



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

May 15, 2020

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW (Mail Code 1103M)
Washington, DC 20460-0001

RE: In re Holtec Decommissioning International, LLC
NPDES Permit No. MA0003557; NPDES Appeal No. 20-03

Dear Ms. Durr:

Please find the attached First Joint Status Report and accompanying Certificate of Service, in connection with NPDES Appeal No. 20-03.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:)	
)	
Holtec Decommissioning International, LLC)	NPDES Appeal No. 20-03
)	
NPDES Permit No. MA0003557)	
)	

FIRST JOINT STATUS REPORT

On January 30, 2020, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0003557 (“NPDES Permit”) to Holtec Decommissioning International, LLC (“HDI”), for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts, authorizing the intake of service water from, and the discharge of certain wastewaters and stormwaters to, Cape Cod Bay. The Region posted the NPDES Permit on February 3, 2020, by certified mail, return receipt requested, and it was received by HDI, Holtec Pilgrim, LLC (“Holtec Pilgrim”, and together with HDI, “Holtec”), and Entergy Nuclear Operations, Inc. (“Entergy”) on February 5, 2020. On March 6, 2020, Holtec and Entergy filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“EAB” or “Board”) of certain conditions of the NPDES Permit.

On March 26, 2020, the parties filed a joint motion requesting that the EAB stay proceedings in the case to allow the parties to enter into settlement discussions for the purposes of reaching a resolution on some or all of the issues presented in the Petition.

The Board granted the motion, ordering the parties to file a joint status report by May 15, 2020, and staying the proceedings until July 24, 2020. *See* Order Granting Joint Motion to Stay Proceedings (Mar. 31, 2020).

Counsel for the parties have had numerous discussions via telephone and email to clarify the issues requiring resolution, to develop a plan to organize and structure the settlement discussions so that negotiations may proceed in an efficient and effective manner, and to discuss other ancillary issues, including the challenges associated with conducting the negotiations remotely due to COVID-19 travel and workplace restrictions and the related Massachusetts Department of Environmental Protection (“MassDEP”) proceeding. The Region and Holtec have tentatively scheduled three sessions for early June to undertake in-depth settlement discussions via video-conference, recognizing that additional sessions will likely be required, given the number and complexity of issues raised in the appeal. Additional sessions are being scheduled, tentatively, in late June and July. Participation in the settlement sessions by representatives from MassDEP is also anticipated.¹ In addition, counsel for the parties are considering potential vehicles to accommodate Entergy’s interests in the appeal, but allow its stipulated withdrawal. The parties remain optimistic about the potential for a negotiated resolution to some or all of the issues raised in the appeal and submit that it is appropriate to continue the stay.

Dated: May 15, 2020

¹ As the Board is aware, although EPA is the NPDES permitting authority in Massachusetts, the Commonwealth generally issues an identical permit under the Massachusetts Clean Waters Act and a Water Quality Certification (“WQC”). *See, e.g., In re City of Taunton*, 17 E.A.D. 105, 119 n.10 (EAB May 3, 2016). Holtec and Entergy have filed a simultaneous appeal of the NPDES permit and the WQC with the MassDEP Office of Appeals and Dispute Resolution. This appeal has been stayed pending the outcome of this matter pursuant to MassDEP regulations. *See* 310 CMR 1.01(6)(h).

Respectfully submitted,

U.S. EPA – Region 1

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Holtec Decommissioning International, LLC
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing First Joint Status Report in the Matter of Holtec Decommissioning International, LLC, NPDES Appeal No. 20-03, were served on the following persons in the manner indicated:

By Electronic Filing:

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Dated: May 15, 2020

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